

INITIAL STATEMENT OF REASONS

Peace Officer Selection Requirements

Regulation 1002, Procedure C-2, and portions of Procedure C-1 Replaced by 9050-9055

(The reasons are shown in bold font following each section.)

Regulation 9050 Peace Officer Selection Requirements

§ 9050 (a) The purpose of these regulations is to implement the minimum peace officer selection standards set forth in [California Government Code Section 1031](#) and as authorized by [California Penal Code Section 13510](#). Peace officer training requirements are addressed separately in [Commission Regulations 1005 and 1007](#).

The first sentence references the statutory basis for these standards. The second sentence provides clarity as to the location of the POST training requirements. This is in response to common confusion regarding these two categories (selection and training) of POST standards. No regulatory change.

(1) Every POST-participating department and/or agency (hereinafter referred to as "department") shall ensure that every "peace officer candidate," as defined in subsection 9050(b), satisfies all minimum selection requirements specified in the following regulations unless waived by the Commission:

- Reading and Writing Ability Assessment ([Regulation 9051](#))
- Oral Interview ([Regulation 9052](#))
- Background Investigation ([Regulation 9053](#))
- Medical Evaluation ([Regulation 9054](#))
- Psychological Evaluation ([Regulation 9055](#))

This paragraph provides clarity by listing the entire set of selection requirements. It adds clarity as to the application of these standards by specifying that they only apply to peace officer candidates from POST-participating agencies, in contrast to Govt. Code 1031, which applies to all peace officers in California. The Commission's authority to waive these regulations replaces Regulation 1002(c), which authorized the Commission to provide waivers of "laterals" – a term not used in these regulations.

(2) All requirements specified in these regulations shall be satisfied prior to the date of employment. For purposes of these regulations, "date of employment" is defined as date of appointment as a peace officer or, at the department's discretion, the date the candidate is hired as a peace officer trainee and enrolled in a POST-certified Basic Course.

Replaces Regulation 1002(a) and changes the required completion date from the "appointment date" to the "date of employment." Some departments appoint their new hires as peace officers only after they have successfully completed the training academy. Given lag times between the selection and training process, occasionally more than a year may elapse between the date that the medical or psychological evaluation was completed and the date of peace officer appointment. This avoids the need for the department to repeat the costly medical and/or psychological evaluation should there be more than one year that elapses between the conduct of the examination and the date appointment.

§ 9050 (b) Peace Officer Candidate Definition

For purposes of this regulation, a “peace officer candidate” is any individual, regardless of rank or Penal Code classification, who:

- (1) Applies for a peace officer position with a POST-participating department, regardless of the individual's prior law enforcement experience, or
- (2) Is being reappointed as a peace officer after a separation from the same POST-participating department. A separation occurs upon the department's submittal to POST of a Notice of Appointment/Termination (NOAT) indicating that the individual has been terminated; conversely, a reappointment occurs upon the department's submittal to POST of an NOAT indicating a new appointment.
- (3) Applies for a peace officer position with a different POST-participating department within the same city, county or district.

This new language provides clarity by defining who is a “peace officer candidate”.

§ 9050 (c) Exceptions

- (1) The department has the discretion to impose any or all of these selection requirements for a peace officer who:
 - (a) Changes peace officer classifications, such as from reserve officer to regular officer, within the same POST-participating department if:
 1. Documentation is available for inspection verifying that all current minimum selection requirements were previously met, and
 2. The peace officer has worked continuously for the department since the time of initial appointment, or

This language replaces Procedure C-2-11, “Updated Medical and Psychological Suitability Examinations”. It gives agencies the discretion (rather than require the agency) to conduct medical and psychological evaluations on (for example) reserve officers who promote, without a break in service, to regular officers within the same department. Since POST standards apply to all sworn officers, this provides consistency among all levels and categories of peace officers.

- (b) Is employed by a department that, through reorganization, is absorbed by another department within the same city, county or district, if documentation is available for inspection verifying that the candidate was hired in accordance with the POST requirements in effect at the time of hire.

This language provides clarity as to who may be exempt from the selection requirements. In this situation, the individual peace officer is not seeking a job change, nor do his/her responsibilities or duties change as a result of the absorption. Therefore, it is unnecessary and unwarranted to automatically require these officers to submit to a new peace officer selection process.

- (2) Peace officers who are publicly elected rather than appointed by the department (e.g., sheriffs, county marshals) are not subject to POST selection requirements.

This language is being added based on an e-mail response dated 11/08/08, in which the California Attorney General's office indicated that elected peace officers are not subject to the selection requirements of Government Code 1031 or POST regulation since they are elected to office, rather than being recruited or selected by a local law enforcement agency.

§ 9050 (d) Adoption of Additional Requirements and/or Higher Standards

The requirements described herein serve as minimum selection requirements. Per [Penal Code § 13510\(d\)](#), the adoption of more rigorous requirements, higher standards, additional assessments (e.g., a physical abilities test, detection of deception examination) or more in-depth evaluations than those stated in these regulations is at the discretion of the employing department.

This language references a pertinent statute, and clarifies that agencies are not limited by POST's minimum selection requirements.

Regulation 9051 Peace Officer Reading and Writing Ability Assessment

§ 9051 (a) Every peace officer candidate shall be able to read and write at the levels necessary to perform the job of a peace officer. Satisfactory completion of this requirement may occur at any time prior to date of employment. Reading and writing ability shall be demonstrated by one of the following:

- (1) Completion of the [POST Entry-Level Law Enforcement Test Battery](#) or other job-related test of reading and writing ability, administered by either the department or another entity, with a score deemed acceptable by the department.
- (2) Proof of successful completion of the Regular Basic Course or the Specialized Investigators' Basic Course.
- (3) Proof of possession of a Basic Course Waiver.

This section replaces Regulation 1002(b)(3), and has been reworded and reformatted for clarity. Clarifies that agencies must determine and set their own passing score, consistent with current practice. Reserve officers will be required to meet this assessment, which is consistent with the rest of the regulations that don't distinguish between different classifications of peace officers. The Basic Course Waiver is added as a way to satisfy this requirement, since it is equivalent to completion of the Basic Course, which meets this requirement.

§ 9051 (b) A department that uses the POST Entry-Level Law Enforcement Test Battery must have a current Test Use and Security Agreement, herein incorporated by reference, on file with POST.

Clarifies that POST has regulatory authority to compel agencies that use the POST exam to comply with test security procedures.

Regulation 9052 Peace Officer Oral Interview

§ 9052 (a) Every peace officer candidate shall participate in an oral interview to determine suitability to perform the duties of a peace officer. The interview shall take place prior to making a conditional offer of employment.

§ 9052 (b) The interview shall be conducted by the department head, one or more representatives of the department, the appointing authority or designee, or an oral panel consisting of at least one department employee.

§ 9052 (c) The POST document^a, [Interviewing Peace Officer Candidates: Hiring Interview Guidelines \(2003\)](#), provides assistance in conducting the oral interview. The use of the manual is discretionary; however, oral interviews shall address, at a minimum, the six POST Interview Factors described in the manual (i.e., Experience, Problem Solving Ability, Communication Skills, Interest/Motivation, Interpersonal Skills, and Community Involvement/Awareness).

This section replaces Regulation 1002(b)(2); it is reworded and reformatted for clarity. Specifically, it clarifies that, per the federal Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA), the oral interview must be conducted prior to the conditional offer of employment, since the required factors are not disability-

related [EEOC Notice No. 915.002 (10/10/95) Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations].

Regulation 9053 Peace Officer Background Investigation

§ 9053 (a) Government Code Mandate

Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer [Government Code § 1031(d)].

This section replaces Regulation 1002(a)(5) and Procedure C-1-1. No regulatory change.

§ 9053 (b) Background Investigation Evaluation Criteria

The POST document, *Background Investigation Manual: Guidelines for the Investigator (2006)* provides assistance in conducting background investigations. The use of the manual is discretionary; however, the POST Background Investigation Dimensions described in the manual (i.e., Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills) shall be considered in the conduct of every peace officer background investigation.

This section replaces POST Procedure C-1-1. The ten POST Background Dimensions, which are detailed in the referenced Manual, were derived from POST job analyses and serve to define “good moral character” [per Government Code Section 1031(d)]. These Dimensions were submitted to and approved by the POST Commission in April, 2005.

§ 9053 (c) Personal History Statements

Every peace officer candidate shall complete, sign, and date a *Personal History Statement – Peace Officer, POST 2-251 (rev. 02/06)*, or an alternative form at the beginning of the background investigation. If using an alternative personal history statement, it shall include inquiries related to the following areas of investigation: personal identifying information, relatives and references contact information, education history, residence history, experience and employment history, military history, financial history, legal history, driving history, and other topics related to moral character.

This section replaces and simplifies Procedure C-1-3. The areas of investigation specified were developed from job analytic research and verified by background investigation subject matter experts. The areas of investigation listed are identical to the section headings on POST Form 2-251.

§ 9053 (d) Collection of Background Information: Pre and Post Conditional Offer of Employment (COE).

- (1) **Pre-Offer.** The background investigation shall be conducted prior to a conditional offer of employment, except as noted in 9053(d)(2) below. At the pre-offer stage, no inquiries shall be made that are deemed medical or otherwise prohibited by the federal Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (FEHA). Any such information volunteered by or about the candidate prior to a COE should be forwarded to those conducting the medical and/or psychological evaluation as, and when, appropriate.
- (2) **Post-Offer.** Background information that cannot be legally or practicably obtained prior to a COE may be acquired and evaluated after a COE has been made to determine candidate suitability. At the post-offer stage, background investigators, examining physicians, examining psychologists, and others involved in the hiring decision shall work cooperatively to ensure that each has the information necessary to conduct their respective investigations and/or assessments of the candidate.

This section replaces and expands upon Procedure C-1-7, providing an important point of clarification regarding the timing of the background investigation in compliance with ADA and FEHA. There is considerable confusion among law enforcement employers regarding whether the background investigation can/must be conducted prior to or after a conditional offer of employment. The proposed wording was vetted before legal experts – including attorneys with both the U.S. Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing.

§ 9053 (e) Areas of Investigation

(1) Citizenship Verification

- A. Every peace officer candidate, except those applying to the California Highway Patrol, shall be either a United States citizen or a permanent resident alien who is eligible for and has applied for citizenship on or within three years before the date of appointment as a peace officer ([Government Code § 1031\(a\) and 1031.5](#)).
- B. Every peace officer candidate for the California Highway Patrol shall be a United States citizen at time of appointment as a peace officer ([Vehicle Code § 2267](#)).
- C. Proof of U.S. citizenship shall consist of an official government-issued birth certificate, naturalization documentation, U.S. passport, or other citizenship documentation deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

This section replaces Regulation 1002(a)(3). It removes reference to the citizenship requirements for deputy sheriffs and deputy marshals that were repealed as a result of passage of SB 1241 that went into effect on January 1, 2007. It also provides more specific documentation requirements.

(2) Age Verification

- A. Every peace officer candidate shall be minimally 18 years of age on or before the date of appointment as a peace officer.
- B. Proof of age shall be satisfied by any document accepted for citizenship.

Replaces Regulation 1002(a)(4) and Procedure C-1-4(c); clarifies documentation requirements. No regulatory change.

(3) Criminal Record Checks - Local, State, and National

Every peace officer candidate shall be the subject of a criminal record search at the local, state, and national levels to determine legal eligibility for peace officer employment [[Government Code § 1029\(a\)\(1\), 1030 and 1031\(c\)](#)], eligibility to carry a firearm [[Penal Code § 12021\(c\); U.S. Code Title 18, § 922\(d\)\(9\)](#)], and to assess moral character [[Government Code § 1031\(d\)](#)].

Replaces Regulation 1002(a)(1) and 1002(a)(2); references pertinent statutes. No regulatory change.

- (A) **Local searches** shall include inquiries with local law enforcement departments where the candidate has lived, worked, attended school, or frequently visited.

Proof of local searches shall be documented by a letter or other written documentation from each department contacted. If a contacted department does not provide written documentation, the request for information shall be noted.

Replaces and makes minor editorial revisions to Procedure C-1-4(d); clarifies documentation requirements.

(B) A **state search** shall include forwarding the candidate's fingerprints to the California Department of Justice (DOJ) to establish the candidate's legal eligibility for employment ([Government Code § 1029](#)) and eligibility to possess a firearm [[Penal Code § 12021\(c\)](#); [U.S. Code Title 18 § 922\(d\)\(9\)](#)].

Proof of a state search shall be documentation issued by the DOJ consisting of an official clearance return and an authorization to possess and carry firearms. The authorization shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

Replaces and makes minor editorial revisions to Procedure C-1-4(e). Repeats relevant statutory references; clarifies documentation requirements.

(C) A **national search** shall include forwarding the candidate's fingerprints to the Federal Bureau of Investigation (FBI).

Proof of a national search shall consist of an official clearance from the FBI. The clearance shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

Replaces and makes minor editorial revisions to Procedure C-1-4(f); clarifies documentation requirements.

(4) Driving Record Check

(A) Every peace officer candidate's driving history, if any, shall be checked to assess behaviors consistent with the safe and appropriate operation of a motor vehicle and adherence to the law.

(B) Proof of the driving history check shall consist of a written driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of employment.

Replaces and makes editorial revisions to Procedure C-1-4(a); clarifies documentation requirements.

(5) Education Verification

(A) Every peace officer candidate shall meet one of the following minimum education requirements pursuant to [Government Code § 1031\(e\)](#):

1. High school graduate of one of the following:

a. A U.S. public high school that has met the standards of the state in which it is located, or

b. An accredited U.S. Department of Defense High School, or

c. A non-public high school accredited by an association recognized by the Secretary of the United States Department of Education.

2. Passage of the General Education Development (GED) test.

3. Passage of the California High School Proficiency Examination.

4. Graduate possessing a degree from a two-year or four-year college or university accredited by an association recognized by the Secretary of the United States Department of Education.

(B) Proof shall consist of an official transcript or other means of verifying satisfactory completion of educational requirements deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

Replaces Regulation 1002(a)(6) and Procedure C-1-4(b). Removes an unnecessary reference to Education Code Section 48412. Clarifies documentation requirements.

(6) Employment History Checks

(A) Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the Personal History Statement.

(B) Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

Replaces and makes minor editorial revisions to Procedure C-1-4(g). Clarifies documentation requirements.

(7) Relatives/Personal References Checks

(A) Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the Personal History Statement. Additional references, provided by the initial contacts, shall also be contacted and interviewed to determine whether the applicant has exhibited behavior incompatible with the position sought. Sufficient information shall be collected and reviewed to determine candidate suitability.

(B) Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate were interviewed. Documentation shall include the identity of each individual contacted, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.

Replaces and makes minor editorial revisions to Procedure C-1-4(h). Clarifies documentation requirements.

(8) Dissolution of Marriage Check

(A) Every peace officer candidate who indicates one or more marriage dissolutions on the Personal History Statement shall have his/her court issued dissolution documents and legal separation decrees reviewed as an indication of personal integrity, financial responsibility, and other relevant aspects of candidate suitability.

(B) Proof of the dissolution/separation of marriage check shall be documented by a copy of all final court-issued dissolution documents and legal separation decrees.

New language added to identify an important source of information consistent with current practice in background investigations. Dissolution of marriage is a powerful source of information as deemed by background investigator subject matter experts who participated in the development of the POST Background Investigation Manual and these regulations. Full dissolution of marriage documentation provides information on moral character issues such as current or past restraining orders.

(9) Neighborhood Checks

(A) Every peace officer candidate shall be the subject of contacts and interviews with current and, where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought.

(B) Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented.

Replaces and makes minor editorial revisions to Procedure C-1-4(i); clarifies documentation requirements.

(10) Military History Check

(A) When applicable, a candidate shall be required to present proof of selective service registration or military service records.

(B) Proof of a military history check shall consist of written verification of selective service registration, except women or any man born between 4/15/1957 and 12/31/1959, or, for any candidate who indicates military history on the Personal History Statement, an official copy of their DD-214 long form or equivalent documentation of foreign military service, if available.

Replaces and makes editorial revisions to Procedure C-1-4(k); clarifies documentation requirements.

(11) Credit Records Check

(A) Every peace officer candidate shall be the subject of a credit record search with a bona fide credit reporting agency (e.g., Experian, TransUnion, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.

(B) Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of employment.

Replaces and makes minor editorial revisions to Procedure C-1-4(j); clarifies documentation requirements.

§ 9053 (f) Background Investigation Updates

(1) Eligibility

(A) If a peace officer was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The peace officer candidate is being reappointed after a separation from the same POST-participating department, or
2. The peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county or district that maintains a centralized personnel and background investigation support division.

New language allowing the department, who has collected and maintained the background investigation information, to update that information rather than re-collecting information that does not change over time (i.e. birth certificate, college transcript).

(2) Update Requirements

(A) A new Personal History Statement (or alternative form) with updated information covering the period from the last Personal History Statement to the current date shall be completed by the peace officer candidate.

Provides clarity as to what time period is to be covered in the new personal history statement.

(B) The department shall conduct investigations of all new information reported by the candidate on the new Personal History Statement.

1. For candidates reappointed per Regulation 9053(f)(1)(A)(1), the new background investigation shall cover the period since the candidate separated from the department.
2. For candidates transferring, without a separation, to a different department within the same city, county or district per Regulation 9053(f)(1)(A)(2), the new background investigation shall cover the period since the date the previous background investigation was completed.

Provides clarity as to the time period that is to be covered in the updated background investigation.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's peace officer file or those of the DOJ or the FBI, 3) Driving Record Check, and 4) Credit Record Check.

Clarifies that the updated investigation must cover updated information; also clarifies that there are certain areas that need to be investigated whether or not there has been a change noted on the personal history statement.

(D) Updated background investigation documentation shall be maintained with the initial background investigation documents.

Provides clarity as to where the documentation is to be kept.

(E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

Provides clarity as to the "shelf-life" of these types of checks [see 9053(e)(3), (4), and (11)].

§ 9053 (g) Documentation and Reporting

- (1) **Background Narrative Report.** The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

Replaces Procedure C-1-6. Provides clarity as to what should be included in the narrative report to ensure its completeness and authenticity. The requirement to make the background investigation file available for POST inspection to ensure compliance with these requirements is provided in PC 13510.

- (2) **Retention.** The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in [Government Code § 12946](#).

Updates and replaces the Procedure C-1-6 retention requirement that documentation be maintained "for current and successive administrations." This requirement has been misinterpreted as meaning "indefinitely." As a service to the reader, the Government Code statute pertaining to recordkeeping of personnel information is referenced.

- (3) **Information Access.** The information shall be shared with others involved in the hiring process, such as the screening physicians and psychologists, if it is relevant to their respective evaluations. There is a duty and/or legal obligation to furnish this information to those conducting background investigations of peace officer candidates on behalf of other law enforcement departments except as specifically provided by statute (GC 1031.1, GC 6250, LC 1050, LC 1054, O'Shea v. General Telephone Co. 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the prospective department to determine the suitability of the peace officer candidate.

First sentence is adapted from and replaces Procedure C-1-7. The remaining proposed language is added to provide clarity on what information can be shared in light of California privacy and confidentiality statutes; references to relevant statutes and case law are also added.

Regulation 9054 Peace Officer Medical Evaluation

§ 9054 (a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated by a licensed physician and surgeon to determine if the candidate is free from any physical (i.e., medical) condition that might adversely affect the ability to exercise peace officer powers [\[Government Code § 1031\(f\)\]](#). The physician shall act as an agent of the employer and conduct the evaluation on behalf of and for the benefit of the employing department.

First sentence replaces Procedure C-2-1. Second sentence provides clarity as to the role of the physician. The employing department incurs the cost of the evaluation and receives the results; therefore the physician acts on behalf of the agency, not the applicant. This is consistent with current practice and in meeting the requirements of GC 1031(f).

§ 9054 (b) Timing of the Medical Evaluation

The medical evaluation shall commence only after the department has extended a conditional offer of employment to the peace officer candidate. The medical evaluation must be completed within one year prior to date of employment. A candidate reappointed to the same department after a separation must undergo a new medical evaluation, unless the previous evaluation occurred within one year prior to the date of reappointment.

The first sentence is new language added for consistency with ADA and FEHA laws in regard to the timing of the medical examination. The additional text replaces Procedure C-2-11 by defining the "shelf life" of the medical evaluation.

§ 9054 (c) Medical Screening Procedures and Evaluation Criteria

The medical screening procedures and evaluation criteria used in the conduct of the medical evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the physician, along with any other information (e.g., risk management considerations) that will allow the physician to make a medical suitability determination. The POST [Medical Screening Manual for California Law Enforcement \(2004\)](#) provides medical examination and evaluation protocols that are based

on patrol officer job demands and working conditions. These protocols may be adopted or adapted for use by the department, if and as appropriate. However, the use of the manual is discretionary.

Replaces and expands Procedure C-2-6 to ensure that the medical screening procedures are consistent with the provisions of GC 1031(f). Provides clarity as to what the department should provide to its screening physician. Replaces the reference of the Medical Screening Manual in Procedure C-2-4.

§ 9054 (d) Required Sources of Information for the Medical Evaluation

The department shall ensure that the medical evaluation includes a review by the screening physician of the following sources of information prior to making a determination about the candidate's medical suitability.

- (1) **Job Information.** Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 9054(c).

This language is added for consistency with California Government Code 12940(f)(2), which stipulates that medical evaluations must be job-related and consistent with business necessity.

- (2) **Medical History Statement.** Prior to the medical evaluation, every peace officer candidate shall complete, sign and date a medical history statement. The POST [Medical History Statement, POST 2-252 \(rev. 02/08\)](#) can be used for this purpose, or an alternative form that includes inquiries about past and current medical conditions and procedures, physical symptoms, limitations, restrictions, and the use of medications and drugs.

Replaces Procedure C-2-5. Provides clarity as to what is to be included in an alternative medical history form.

- (3) **Medical Records.** Medical records shall be obtained from the candidate's treating physician or other relevant health professional, if clinically indicated and practicable. This information may be provided directly to the screening physician by the candidate or, with written authorization from the candidate ([Civil Code § 56.20](#)), may be obtained directly from the health professional.

This proposed language is included based on affirmation from the POST Medical Advisory Panel that medical records can be critical to the determination of medical suitability. Adds clarity as to how records can be legally obtained; references pertinent statute.

§ 9054 (e) Medical Evaluation Report

- (1) The evaluating physician shall submit a medical evaluation report to the department that shall include the following information:

(A) The evaluating physician's contact information and medical license number.

(B) The candidate's name.

(C) The date the evaluation was completed, and

(D) A statement, signed by the physician, affirming that the candidate was evaluated in accordance with Commission Regulation 9054. The statement shall include a determination of the candidate's medical suitability for exercising the powers of a peace officer.

Replaces Procedure C-2-7; no regulatory change.

- (2) The department shall maintain the medical evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.

Replaces Procedure C-2-3; no regulatory change.

(3) Any additional information reported by the physician to the department shall be limited to that which is necessary and appropriate, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and potential risks posed by detected medical conditions. All information deemed medical in nature shall be maintained as a confidential medical record, separate from the background investigation file.

Language added for clarity as to the requirements of maintaining the confidentiality of medical records, and for consistency with the confidentiality restrictions of ADA [29 CFR 1630.14(b)(1)] and FEHA [2 CCR 7294.0 (d)(3)] on the treatment of medical and non-confidential information resulting from the pre-employment medical evaluation.

(4) The POST [Medical Examination Report, POST 2-253 \(rev. 02/08\)](#) is available for use in reporting this information; however, its use is discretionary.

Replaces Procedure C-2-7; no regulatory change.

(5) Information from the medical evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

Added language provides clarity as to the sharing of information, and provides consistency with the allowances and restrictions on use of confidential medical information, in compliance with the ADA [29 CFR 1630.14(b)(1)] and FEHA [2 CCR 7294.0(d)(3)].

§ 9054 (f) Second Opinions

A candidate who is found medically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [2 CCR § 7294.0(d)(2)]. When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace officer duties, powers, demands, and working conditions and the medical screening requirements specified in Commission Regulation 9054. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

Added language to provide clarity regarding the right of the rejected candidate to obtain a second opinion; references pertinent statute. Additional procedures provide consistency among evaluations to ensure that the second opinion process is bona fide and conducted appropriately and lawfully.

Regulation 9055 Peace Officer Psychological Evaluation

§ 9055 (a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated to determine if the candidate is free from any emotional or mental condition that might adversely affect the exercise of the powers of a peace officer [[Government Code § 1031\(f\)](#)], and to otherwise ensure that the candidate is capable of withstanding the psychological demands of the position.

Replaces Procedure C-2-1; no regulatory change.

(1) The psychological evaluation shall be conducted by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued post-doctorate.

References the requirements of Government Code Section 1031(f); no regulatory change.

(2) The evaluator shall be in compliance with any current POST education and training requirements developed for the conduct of pre-employment psychological screening of peace officers. Evaluators shall also be familiar with the research literature available on pre-employment psychological screening of peace officers, and with state and federal fair employment statutes relevant to this area of practice.

References Government Code Section 1031(f)(2) regarding education, training and experience requirements of psychological screeners.

(3) The evaluator shall act as an agent of the employer and conduct the examination on behalf of and for the benefit of the employing department.

Provides clarity as to the role of the psychological evaluator. The employing department incurs the cost of the evaluation and receives the results; therefore the physician acts on behalf of the agency, not the applicant. This is consistent with current practice and in meeting the requirements of GC 1031(f).

§ 9055 (b) Timing of the Psychological Evaluation

The psychological evaluation shall commence only after a conditional offer of employment has been extended to the peace officer candidate. The psychological evaluation must be completed within one year prior to date of employment. A candidate reappointed to the same department after a separation must undergo a new psychological evaluation, unless the previous evaluation occurred within one year of the date of reappointment.

The first sentence is new language added for consistency with ADA and FEHA laws in regard to the timing of the psychological examination. The additional language replaces Procedure C-2-11 by defining the “shelf life” of the psychological evaluation.

§ 9055 (c) Psychological Screening Procedures and Evaluation Criteria

The psychological screening procedures and evaluation criteria used in the conduct of the psychological evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the evaluator, along with any other information (e.g., risk management consideration) that will allow the evaluator to make a psychological suitability determination.

Every peace officer candidate shall be evaluated against the POST [Peace Officer Psychological Screening Dimensions \(2005\)](#)^b (i.e., Social Competence, Teamwork, Adaptability/Flexibility, Conscientiousness/Dependability, Impulse Control, Integrity/Ethics, Emotional Regulation/Stress Tolerance, Decision Making/Judgment, Assertiveness/Persuasiveness, and Avoiding Substance Abuse and Other Risk-Taking Behavior).

New language provides for consistency with the requirements of GC 1031(f). Provides clarity as to what the hiring department should provide to its screening psychologist, and the psychological constructs (i.e., Dimensions) to use in the evaluation. The POST Peace Officer Psychological Screening Dimensions were approved by the Commission at its July 20, 2006 meeting, and were a result of an extensive POST psychologically-based job analysis as part the larger effort to revise the POST Psychological Screening Manual (1984). Replaces the portion of Procedure C-2-8 which references the out-of-print 1984 version of the Manual.

§ 9055 (d) Required Sources of Information for the Psychological Evaluation

The department shall ensure that the psychological evaluation includes a review by the evaluator of the following sources of information prior to making a determination about the candidate's psychological suitability.

- (1) **Job Information.** Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 9055(c).

Added language for consistency with California Government Code 12940(f)(2), which stipulates that psychological evaluations must be job-related and consistent with business necessity.

- (2) **Written Assessments.** Written assessments shall consist of a minimum of two written, objective psychological inventories administered to assess the candidate's psychological suitability as a peace officer. At least one of these instruments shall be designed and validated to identify patterns of abnormal behavior; the other instrument shall be designed and validated to assess normal and/or abnormal behavior. Both instruments shall have documented evidence of their relevance for evaluating peace officer suitability.

The psychological assessments shall be interpreted using appropriate, authorized test publisher scoring keys. If mail-order, internet-based, or computerized test interpretations are used, the evaluator shall verify and interpret the individual results.

This revises, expands and replaces Procedure C-2-9(a). Two written psychological assessments continue to be required; at least one of them must continue to target abnormal behavior. However, the second assessment, rather than only being required to assess normal behavior, can now assess normal *and/or* abnormal behavior. Based on the input of psychological subject matter experts, this provision allows agencies more flexibility as to when and how they evaluate normal personality traits. Additional requirements will ensure that the written assessments are scored appropriately and in keeping with the instructions of the tests' publishers, and requires the evaluator to personally evaluate the candidate's responses, rather than relying exclusively on computer-based interpretations, in keeping with the standard of practice in this discipline.

- (3) **Personal History Information.** Personal history information includes the candidate's relevant work, life and developmental history based on information collected during the background investigation and/or from responses on a personal history questionnaire collected as part of the psychological evaluation.

This is new language added based on subject-matter expert consensus and research which consistently identifies personal history information as a vital component of a comprehensive psychological evaluation. This is consistent with current practice.

- (4) **Clinical Interview.** A clinical interview shall be administered to each peace officer candidate subsequent to a review and evaluation of the results of the written assessments [Regulation 9055(d)(2)] and the candidate's personal history information [Regulation 9055(d)(3)]. Sufficient interview time shall be allotted to address all issues arising from the reviewed information and other issues that may arise during the interview.

This revises and expands Procedure C-2-9(b). Based on subject matter expert consensus that personal history information [Regulation 9055(d)(3)] must be reviewed *prior* to the conduct of the clinical interview. Although inappropriately short interviews were identified by subject matter experts as an area of concern, no specific minimum time could be established; therefore, the requirement specifies that the length of the interview must be sufficient to allow candidates the opportunity to provide explanations and/or additional information.

- (5) **Psychological Records.** Psychological records shall be obtained from the candidate's treating mental health professional, if clinically indicated and practicable. This information may be provided directly to the evaluator by

the candidate, or, with written authorization from the candidate ([Civil Code § 56.20](#)), may be obtained directly from the mental health professional.

This is new language based on affirmation by the POST Psychological Advisory Panel that treatment records can be critical to the determination of psychological suitability. Adds clarity as to how records can be legally obtained; references pertinent statute.

§ 9055 (e) Psychological Evaluation Report

- (1) Data from all sources of information shall be considered; the evaluator's determination shall not be based on one single data source unless clinically justified.

This is new language based on a consensus of subject matter experts and consistency with practice in this area.

- (2) The evaluator shall submit a psychological evaluation report to the department that shall include the following information:

(A) The responsible evaluator's contact information and professional license number.

(B) The name of the candidate.

(C) The date the evaluation was completed, and

(D) A statement, signed by the evaluator, affirming that the candidate was evaluated in accordance with Commission Regulation 9055. The statement shall include a determination of the candidate's psychological suitability for exercising the powers of a peace officer.

Replaces Procedure C-2-10; no regulatory change.

- (3) The department shall maintain the psychological evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.

Replaces Procedure C-2-3; no regulatory change.

- (4) Any additional information reported by the evaluator to the department shall be limited to that which is necessary and appropriate, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and the nature and seriousness of the potential risks posed by the candidate. All information deemed medical in nature shall be maintained as a confidential record, separate from the background investigation file.

This new language provides consistency with the confidentiality restrictions of ADA [29 CFR 1630.14(b)(1)] and FEHA [2 CCR 7294.0 (d)(3)] on the treatment of medical and non-confidential information resulting from pre-employment psychological evaluation.

- (5) Information from the psychological evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

This new language provides consistency in regard to the allowances and restrictions on use of confidential medical information, in compliance with the ADA [29 CFR 1630.14(b)(1)] and FEHA [2 CCR 7294.0(d)(3)].

§ 9055 (f) Second Opinions

A candidate who is found psychologically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [[2 CCR § 7294.0\(d\)\(2\)](#)]. When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace

officer duties, powers, demands, and working conditions and the requirements specified in Commission Regulation 9055. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

Added language provides clarity as to the right of the rejected candidate to obtain a second opinion; references pertinent statute. Additional procedures provide consistency among evaluations to ensure that the second opinion process is bona fide and conducted appropriately and lawfully.

^a All POST documents and forms mentioned in these requirements are available on the POST website (www.post.ca.gov).

^b The Peace Officer Psychological Screening Dimensions (2005) are available on the POST website at <http://www.post.ca.gov/selection/psy-dimensions.asp>.